

## ARTICLE 7.5. R-3 MULTI-FAMILY RESIDENCE DISTRICT

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### Sec. 8-2750. Purpose.

To promote and encourage well planned, suitable, and appropriate multiple-family developments within medium, high, and very high density land use classifications as shown on the general plan land use map, while stabilizing and protecting the residential characteristics of the district. To promote, insofar as compatible with the intensity of existing and future land use, a suitable environment for multi-family living to provide for the diverse needs of the residents of the city, and to allow developers the flexibility necessary to accomplish such goals.

(Ord. No. 2506, Exh. A, § 4, 7-22-03.)

### Sec. 8-2751.1. Permitted uses.

The following permitted, accessory, zoning administrator, and conditional use regulations are intended to create and maintain higher density residential neighborhoods. At the same time, they conditionally allow for live/work units, ground floor commercial uses, and other nonresidential uses but not to such an extent as to sacrifice the overall residential neighborhood image and character. A broad range of housing types are allowed in the multi-dwelling zones. This range allows for efficient use of land, provides options to increase housing variety and housing opportunities, and promotes affordable and energy-efficient housing. The following are the principal permitted uses in an R-3 district:

- (a) Single-family and two-family dwellings on existing lots of less than six thousand square feet. Requirements for said lots shall be based on R-1-6 provisions, except that single-family and two-family dwellings shall be subject to site plan and architectural review and approval by the development organization;
- (b) Multiple dwellings, including efficiency apartments and single room occupancy units<sup>1</sup>, consisting of ten dwelling units or less, subject to site plan and architectural review and approval by the development organization;
- (c) Multiple dwellings, including efficiency apartments and single room occupancy units<sup>1</sup>, consisting of eleven dwelling units or greater, subject to site plan and architectural review and approval by the planning commission;
- (d) Special residential care facilities;<sup>1</sup> and
- (e) Any other use that the zoning administrator finds, pursuant to the requirements set forth in Article 25.2 of this chapter, is similar in nature, function or operation to permitted uses allowed within this district.

(Ord. No. 2506, Exh. A, § 4, 7-22-03.)

### Sec. 8-2751.2. Accessory uses.

The following are the accessory uses permitted in an R-3 district:

- (a) Rooming and boarding of not more than two persons;

- (b) Signs complying with the applicable regulations set forth in Article 21 of this chapter;
- (c) Private garages and parking areas;
- (d) Secondary dwellings units<sup>3</sup> on single-family and two-family lots of less than six thousand square feet;
- (e) Small family day care homes; and
- (f) Other accessory uses and buildings customarily appurtenant to a permitted use.

(Ord. No. 2506, Exh. A, § 4, 7-22-03.)

**Sec. 8-2751.3. Conditional uses: planning commission as reviewing agency.**

The following uses may be permitted with a conditional use permit, provided all other requirements of this chapter are met. The procedure for a conditional use permit shall be as set forth in Article 25 of this chapter:

- (a) Children's nursery schools;
- (b) Licensed nursing homes and convalescent hospitals;
- (c) Meal service facility,<sup>1</sup> accessory to a public or quasi-public use, subject to the regulations set forth in Article 21.3 of this chapter;
- (d) Public and quasi-public buildings and uses of recreational, educational, religious, cultural or public service type; but not including corporation yards, storage or repair yards, and warehouses, except for city-owned and -operated facilities;
- (e) Live/work units;<sup>1,3</sup>
- (f) Uses permitted or conditionally permitted in neighborhood commercial and office commercial zoning districts as long as the use is located at the first story of a multi-family residential or live/work building three stories tall or greater and located on a parkway, arterial, or collector street;
- (g) Rooming houses and boarding houses<sup>1</sup> for any number of guests,
- (h) Short term residency shelters, permanent<sup>1,3</sup> or temporary<sup>1,3</sup> accessory to a public or quasi-public use, subject to the regulations set forth in Article 21.3 of this chapter;
- (i) Social halls, lodges, fraternal organizations and clubs, and community clubs, except those operated for a profit;
- (j) Elementary and secondary schools; and
- (k) Any other use which the Planning Commission finds is similar in nature, function or operation to conditional uses permitted within the district. The request for such a determination shall be submitted as a "finding application" to the planning commission pursuant to the requirements set forth in Article 25.2 of this chapter.

(Ord. No. 2506, Exh. A, § 4, 7-22-03.)

**Sec. 8-2751.4. Zoning administrator uses.**

The following uses may be permitted with a zoning administrator permit, provided all other requirements of this chapter are met. The procedure for a zoning administrator permit shall be as set forth in Article 25.1 of this chapter:

- (a) Home occupations;<sup>1,3</sup>
- (b) Large family day care homes;<sup>1,3</sup>
- (c) Any other use which the zoning administrator finds is similar in nature, function and operation to zoning administrator uses permitted within the district. The request for such a determination shall be submitted as a "finding application" to the zoning administrator pursuant to the requirements set forth in Article 25.2 of this chapter.
- (d) Additions to existing single-family and two-family dwellings on lots six thousand square feet or greater may be allowed subject to a zoning administrator permit, when the zoning administrator makes both of the following findings:
  - (1) Expansion of a single-family or two-family dwelling on the site will not be detrimental to the property adjacent to the proposed addition; and

- (2) The city's interest in promoting an increase in the number of dwelling units in the district is outweighed in this case by the city's interest in promoting the improvement or preservation of the existing dwelling(s).

(Ord. No. 2506, Exh. A, § 4, 7-22-03.)

#### **Sec. 8-2752. Density standards.**

The number of dwellings per unit of land, the density, is controlled so that housing can match the availability of public services and the support of commercial areas. The standards also allow the housing density to be matched with the carrying capacity of the land. In addition, the density standards are used as one type of control of overall building bulk. In areas with the highest level of public services, the minimum density standards ensure that the service capacity is not wasted and that the city's housing goals are met. Residential density requirements for multi-family developments in the R-3 zone shall be within the density ranges listed in the following table.

Density requirements for mixed use multi-family developments including conditional uses allowed in this district shall be evaluated on a case by case basis to determine if the proposed mixed use development is consistent with the carrying capacity of the land and the service capacity of the area.

Zone	Permitted Density Range (units/gross acre)
R-3-10	8.3 to 10
R-3-15	13 to 15
R-3-18	16.5 to 18
R-3-23	20.5 to 23
R-3-27	25 to 27
R-3-35	31 to 35
R-3-50	42.5 to 50
R-3-70	60 to 70

When the density calculation for a parcel results in a fraction of one-half or greater, the density shall be rounded up to the next whole unit; when the density calculation results in a fraction less than one-half, the density shall be rounded down to the next whole unit. Minor deviations of no more than one dwelling above or below the permitted range may be allowed when rounding the density calculation.

Notwithstanding the minor deviations in density calculations allowed above, up to three dwelling units below or above the density ranges may be allowed for projects in the R-3-35, four dwelling units in R-3-50 and five dwelling units in R-3-70 zones by the approving body to achieve a superior design.

For purposes of general plan density calculations and density bonus allowances, efficiency apartments or single room occupancy units<sup>1</sup> shall count as one half a dwelling unit.

Densities below the permitted density (except the minor deviations allowed by this section) shall only be allowed under special circumstances, detailed in the general plan land use and housing chapters.

Density bonuses above the permitted density range of a district shall be allowed subject to the provisions of this code, the general plan, and state law.

Except for projects proposing a density bonus, the Planning Commission shall review and make recommendation and the City Council shall be the final approval authority for any project that involves density distribution wherein the respective density of one or more of the housing product types is either above or below the permitted density range established by the General Plan land use and zoning designations.

(Ord. No. 2506, Exh. A, § 4, 7-22-03.)

### **Sec. 8-2753. Height regulations.**

The height standards serve several purposes including promoting a reasonable building scale and relationship of one residence to another, promoting options for privacy for neighboring buildings and properties, and reflecting the general building scale of multi-family development in the city's neighborhoods. In order to allow flexibility and to respond to specific site circumstances, the maximum height limit may be modified through site plan and architectural review and approval if the above intent is met.

Maximum height: Fifty-two feet. For those areas of parcels within fifty feet of any property with a general plan density designation of ten units per acre or less: Thirty feet.

(Ord. No. 2506, Exh. A, § 4, 7-22-03.)

### **Sec. 8-2754. Lot and siting requirements.**

The following standards work together to create desirable residential areas by promoting aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. The development standards generally assure that new development will be compatible with the city's character. At the same time, the standards allow for flexibility for new development through site plan and architectural approval when the intent of the standard is met through alternate means. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is generally allowed. The development standards are generally written for development on flat, regularly shaped lots, other lots could use the flexibility provided to propose alternate, appropriate developments.

The minimum lot size, width, and frontage requirements for new lots insure that development on a lot will in most cases be able to comply with all site development standards. Combining small parcels may be necessary to fulfill the requirements of this Article and other City standards and regulations. The standards also prevent the creation of very small lots that are difficult to develop at their full density potential. Minimum lot size, width, and frontage requirements are not applicable to townhouse style developments, which have special lot and subdivision needs that will be reviewed on a case-by-case basis through site plan and architectural approval and the tentative map process.

- (a) *Minimum lot size.* Six thousand square feet, except for townhouses.<sup>1</sup>
- (b) *Minimum lot width.* Sixty feet, except for townhouses.<sup>1</sup>
- (c) *Minimum street frontage.* Thirty-five feet, except for townhouses.<sup>1</sup>
- (d) *Separation, setback, and yard requirements.* The building separation, setback, and yard standards serve several purposes including maintaining light, air, and separation for fire protection and access for fire fighting; encouraging that new development reflect the general building scale and placement of multi-family development in the city's neighborhoods; fostering a desirable pedestrian-oriented environment and neighborhood setting for the area; promoting a reasonable physical relationship between residences; promoting options for privacy for neighboring properties; and providing adequate flexibility through site plan and architectural approval to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity. Unless otherwise specified through site plan and architectural review and approval and meeting the above intent, the following standards shall apply:
  - (1) Front and street side setbacks: Twenty feet, but should be reduced where the reduction fosters a desirable pedestrian-oriented environment or neighborhood setting for the area.
  - (2) Interior side and rear setbacks: Ten feet. Where adjacent to property with a general plan density designation of ten units per acre or less: Twenty feet (garages, carports, sheds, and similar accessory structures are subject to the ten foot setback).
  - (3) Between windows of separate units located on walls angled ninety degrees or less from each other: Fifteen feet.
  - (4) Between parking or circulation areas and a public street right-of-way or private street easement: Fifteen feet.

- (e) *Lot coverages.* The lot coverage standards, along with height, setback, and other development standards, limit the overall bulk of structures. They assure that larger buildings will not have a footprint that overwhelms adjacent development. The standards may be varied through site plan and architectural approval where this intent is met through other means, where surrounding development at higher intensities justifies an increase, or where the increase fosters a desirable pedestrian-oriented environment and neighborhood setting for the area. Unless otherwise specified through site plan and architectural review and approval: Maximum lot coverage: Fifty percent.
- (f) *Open space areas.* Open space areas shall be provided for the use of all residents within the development. Open space is important to provide areas for use by residents outside of the private units, either outdoor or indoor, to provide a semi-private transition area between private residences and the public domain, and to insure that adequate facilities exist for the use of residents outside of the private units. Open space areas are comprised of common and private open space.
  - (1) Common open space. Common open space may include, but is not limited to, rooftop gardens, indoor recreation facilities, landscaped spaces designed for active use, and other creative spaces, and shall be accessible to all residents within the development and provided with amenities or facilities likely to be utilized by anticipated residents, such as swings, pools, barbeques, tables, benches, etc. Common open space may be outdoors or indoors. Unless otherwise specified through site plan and architectural review and approval, common open space shall be provided as follows:
    - a. Common open space shall be provided at the rate of five hundred square feet for multi-family developments up to five units, plus fifty square feet for each additional unit. Common open space area shall have a minimum dimension of fifteen feet; and
    - b. Common open space areas used to satisfy the above area requirement shall not be located within any required setback.
  - (2) Private open space areas. Each dwelling unit should have at least one private open space area contiguous to the individual dwelling unit that allows the occupants of the unit the private use of an outdoor space. Unless otherwise specified through site plan and architectural review and approval, private open space shall be provided as follows:
    - a. Balconies (above ground level): Minimum sixty square feet, the least interior dimension of which is six feet; or
    - b. Patios (at ground level): Minimum one hundred square feet, the least interior dimension of which is ten feet.

(Ord. No. 2506, Exh. A, § 4, 7-22-03.)

#### **Sec. 8-2755. Affordable housing incentives.**

For any project which requests and qualifies for a density bonus pursuant to Article 21.8, incentives shall be granted as described in Article 21.8.

#### **Sec. 8-2756. Architecture and site design standards and guidelines.**

The following development standards and guidelines work together to create desirable residential areas by promoting aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. The development standards generally assure that new development will be compatible with the city's character. At the same time, the guidelines allow for flexibility to encourage new development. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed. All development projects must comply with the development standards (designated with 'shall'). Guidelines (designated with 'should') may be modified through site plan and architectural approval if the alternate designs/means are used to satisfy the intent of the guideline.

- (a) *Development standards.* All new development projects in R-3 zone must comply with the following standards:

1. The architectural design of multiple-family dwellings shall be developed with consideration given to the relationship of any existing and future adjacent development in terms of building heights, mass, texture, and style. Individual projects shall be designed with a specific architectural style to be relevant to and compatible with surrounding development and the neighborhood context.
2. Building facades shall be fully articulated on all sides with high levels of architectural detailing. Varied, durable, and appropriate materials shall be utilized with consideration given to massing and proportion. Fences and walls shall be designed so as to be appropriate to and compatible with project architecture. Chain link fencing is not permitted.
3. To ensure that there is a visual connection between the living area of the residence and the street, to enhance public safety by allowing people to survey their neighborhood from inside their residences, and to provide a more pleasant pedestrian environment by preventing large expanses of blank facades along streets, facades shall not consist primarily of garage doors without variation in setbacks, materials, massing, the incorporation of features such as trees or other landscaping, trellises, etc. At a minimum, shrubs, small trees, vines planted on trellises, or a similar landscape treatment shall be provided between each unit.
4. To insure that there is a physical and visual connection between the living area of the residence and the street, to enhance public safety for residents and visitors and provide opportunities for community interaction, to insure that the pedestrian entrance is visible or clearly identifiable from the street by its orientation or articulation; to insure that pedestrians can easily find the main entrance and so establish how to enter the residence, building entrances shall be emphasized through project architecture, and building facades and entrances shall be oriented to public sidewalks and streets.
5. The following pedestrian standards encourage a safe, attractive, and usable pedestrian circulation system in all developments. They insure a direct pedestrian connection between the street and buildings on the site, and between buildings and other activities within the site. In addition, they provide for connections between adjacent sites, where feasible. Developments shall emphasize pedestrian and bicycle connection locations, designs, and details, both within the project site and within the neighborhood, as follows:
  - a. Systems and facilities for bicycles and other alternate forms of transportation shall be provided, including parking areas, pathways, storage, etc. The systems must connect all adjacent streets to the main entrance. One of the connections should be no longer than the straight line distance from the entrance to the closest sidewalk, or improved right-of-way if there are no sidewalks. It may not be more than 20 feet longer or 120 percent of that straight line distance, whichever is less. The system must connect all buildings on the site, and provide connections to other areas of the site, such as parking areas, bicycle parking, recreational areas, common outdoor areas, and any pedestrian amenities.
  - b. The circulation system shall be hard-surfaced, at least four feet wide. Where the system crosses driveways, parking areas, and loading areas, the system shall be clearly identifiable, through the use of elevation changes, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement. Elevation changes and speed bumps shall be at least 4 inches high. Where the system is parallel and adjacent to an auto travel lane, the system must be a raised path or be separated from the auto travel lane by a raised curb, landscaping or other physical barrier. If a raised path is used it must be at least 4 inches high and the ends of the raised portions must be equipped with curb ramps. The on-site pedestrian circulation system must be lighted to a level where the system can be used at night.
6. Developments shall be designed so as to minimize the number of driveways from public and private streets wherever possible. Shared driveways shall be utilized wherever possible.
7. For townhouse and townhouse style developments, adequate exterior space shall be provided for garbage set-out and pickup such that garages and driveways will not be blocked. Storage space shall also be provided within garages (clear of required parking areas) or other designated areas for trash and recycling materials.
8. All yard areas shall be landscaped, and all landscaped areas shall be kept maintained.

9. Each dwelling unit shall have an enclosed storage closet located within the garage, patio, or deck area, unless an alternative space is approved through site plan and architectural approval. The storage closet shall have a minimum of one hundred cubic feet of storage space.
  10. Other than public or private street lights, exterior lighting shall be diffused or concealed in order to prevent illumination of adjoining properties or the creation of objectionable visual impacts on other properties or streets. Lighting, including private street lights, shall be decorative in style and the design shall be appropriate to the project architecture.
- (b) *Development guidelines.* All new development projects in the R-3 zone must comply with the following guidelines, unless an alternate appropriate proposal is made, reviewed and approved through site plan and architectural approval, to meet the intent of the guideline:
1. To promote the pedestrian orientation of developments and to insure an aesthetically pleasing front elevation not dominated by automobiles, parking areas should be located to the side, rear, or under the building. Parking should not be located between a building and any public sidewalk or street.
  2. To minimize the amount of perceived paving, expanses of asphalt or concrete paving should be relieved with landscaping features or special accent paving treatments, including but not limited to modular pavers or colored, patterned concrete. These features should be aligned with and designed to reinforce pedestrian and bicycle walkways wherever possible. Raised features or features that serve to calm vehicular traffic are especially desirable.
  3. To insure that townhouse and townhouse-style developments maintain attractive public and private street facades not dominated by garage doors, and to insure that streets are well screened and shaded by street trees wherever possible, townhouse and townhouse-style developments should provide at least one tree at the public or private street elevation for each unit. Adequate planter space and setbacks must be provided for such trees.
  4. Common open space should be designed for the needs of the anticipated occupants and should be provided with appropriate amenities to address these needs. Common open space should be contiguous to the maximum extent possible to allow for the highest usability.
  5. To promote a desirable front facade and general pedestrian orientation for projects, and to encourage interaction among residents, neighbors, and the public, fences or walls greater than three feet tall should not front public or private streets.
  6. To minimize their visibility from any public or private right-of-way and potential negative visual impacts, electrical, telephone, transformer, and other utilities should be placed underground. Any aboveground utilities, including backflow preventers, may only be so located if they are adequately screened by landscaping and/or architectural elements.

(Ord. No. 2506, Exh. A, § 4, 7-22-03.)

#### **Sec. 8-2757. Other required conditions.**

- (a) Site plan and architectural approval is required for all projects requiring conditional use permits and zoning administrator permits, and single-family, two-family, and multi-family residential dwellings, except home occupations and large-family daycare in existing structures.
- (b) Rooming houses and boarding houses<sup>1</sup> for any number of guests shall not be limited to maximum density standards, but rather the individual project shall be reviewed for compatibility with any existing or future adjacent development in terms of building height and mass as part of the conditional use permit process.

[Notes Applicable to this Article]

<sup>1</sup>Term is defined in Article 1.

<sup>2</sup>Term is elaborated on in Standard Industrial Classification Manual.<sup>1</sup>

<sup>3</sup>The special regulations of Article 21.3 apply to this use.